

SOUTH JORDAN CITY
CITY COUNCIL MEETING

September 19, 2017

Present: Mayor David Alvord, Council Member Brad Marlor, Council Member Chris Rogers, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, Fire Chief Andrew Butler, Administrative Services Director Spencer Kyle, Public Works Director Jason Rasmussen, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, City Attorney Ryan Loose, ACM Dustin Lewis, Finance Director Sunil Naidu, IT Director John Day, Police Chief Jeff Carr, City Council Secretary MaryAnn Dean

Others: See Attachment A

REGULAR MEETING – 6:30 PM

A. Welcome and Roll Call - *Mayor David Alvord*

Mayor Alvord welcomed everyone present. He noted that Council Member Harris was not present for this meeting.

B. Invocation – *By Council Member Patrick Harris*

Council Member Zander offered the invocation.

C. Pledge of Allegiance

Mitchell Sorensen, Troop 1586, led the audience in the Pledge of Allegiance.

Mayor Alvord recognized the scouts that were present.

D. Minute Approval

1. September 5, 2017 Council Study Meeting
2. September 5, 2017 City Council Meeting

Council Member Shelton made a motion to approve the September 5, 2017 Council Study meeting minutes, and the September 5, 2017 City Council meeting minutes, as printed. Council Member Zander seconded the motion. The vote was unanimous in favor.

E. Public Comment:

CM Whatcott said they sent a letter regarding a change in policy for cemetery headstones. He said they have been incurring cost to move headstones. They were trying to figure out a policy to help them reduce costs and not have to raise rates. He said he has talked to some residents. He

said they are going to honor having a raised headstone for graves purchased prior to June 1st. If they bought a plot after June 1st, they wouldn't be able to have a raised headstone. If someone is close to that date, they will work with them. He said it is \$500-\$2000 to disassemble and put together the headstone. They now contract for that work. They also have a lawn sinking problem. The city bears the cost of that. He said it is easier to put in a flat headstone, and the weight is not as much for the flat headstones. He said staff may be asking for more help with the cemetery maintenance in next year's budget.

Council Member Rogers said he feels cemeteries have more character if there are some upright headstones. If they want an upright headstone, they could tack on additional costs to cover the maintenance costs.

CM Whatcott said in the expansion area, there are certain areas that they allow for larger monument headstones and that area is structured differently so the equipment can get around the headstones.

Mayor Alvord opened up the public comment portion of the meeting.

Jean Jackman, 2610 W. 10950 S., said she appreciates the grandfathering policy for those that already have plots. She feels the upright headstones bring class. It would be boring if it was all flat. They would like the cemetery left as is. If they want to limit the size of the stone, she can understand that, but they should leave the cemetery so people have the option of either type of headstone. She feels they can budget the needed money. If they want to set a standard in the new section they can, but in the existing cemetery, they would like it left. She said they may need to look into buying a smaller backhoe. She thanked the people that run and maintain the cemetery. If they need more employees, they should hire more. She does not feel they should nitpick at something as important as the cemetery.

John Thibeault, 1099 Shields Lane, presented some traffic observations to the City Council on Shields Lane. He said the city works for the residents. He has observed the following traffic violations: speeding, speed bumps, passing stopped school buses, tailgating, drag racing, tractor-trailer trucks, electronic speed signs, drinking drivers that throw liquor bottles and beer cans. This all happens on Shields Lane. They use the turn lane as a travel lane. He estimated there is 250 violations per day. In one turn lane, there are 2 solid lines and an arrow painted within the turn lane. He said drivers are also using the turn lane as a travel lane, and he showed some video of violations he has observed. He said drivers behave like it is an expressway. There are families, homes, and driveways on this road. They are at risk. He said when an accident happens, he will indicate that the city did nothing to address the problems in this residential section. He asked for the City Council's help to do something about Shield's Lane.

Joan Ward, 2765W. 10000 S., said she is grateful for the amendment to the cemetery policy. The cemetery looks great and is an important place to them. Her research shows that moving a headstone is \$100 on average. South Jordan has one of the highest priced burial plots. She concurred that a smaller back hoe is needed. She said flat headstones break as well, not just upright ones. The cemetery has never looked better. She said upright headstones allow for some creativity.

Mitchell Sorensen, 11044 S. Amini Way, said the City recently took down a barricade to stop cars from going into their subdivision. Now construction trucks are going through and running stop signs. He said he would appreciate it if the city would put up a sign that told them not to come through their subdivision.

Luane Jensen, 11186 S. 2700 W., said she spends a lot of time at the cemetery. The ground does sink when they bury someone. She said the flat headstones also break. She said they should leave the older part of the cemetery. They can have all flat headstones in the western part of the cemetery. She is glad they grandfathered in those that already have plots. It might take them longer to walk around the headstone, but the people that are buried in the cemetery are the reason that the City Council is here and the reason they have the town that they have. They need to think about their heritage and what it stands for. They should not switch the rules now. Ms. Jensen also noted that she has seen dump trucks coming out of Palomino subdivision. She recommended that they put up a sign and tell the construction companies to go through McKee Farms to 2700 West, and not go through this subdivision.

Development Services Director Klavano said the City Council was informed 2 weeks ago that they were taking down the jersey barricades because of public safety issues. He said the agreement was when 75 percent of McKee Farms was occupied, staff will analyze the cut through traffic to see if traffic calming measures are needed. The barricades were there so the construction traffic would use McKee Farms. They will try to track down the construction vehicles and ask them not to drive through there. He noted that they are public streets. He said public works will also be putting up signs asking the construction traffic to use the other road. They are monitoring the situation the best they can. They hope to get the situation curtailed.

- F. Action Item:** Resolution R2017-48, Establishing a Board of Appeals per Title 15.16.010 of the South Jordan Municipal Code and appointing five regular members and two alternate members to the Board of Appeals. (*By Development Services Director, Brad Klavano*)

Development Services Director Klavano reviewed the background information on this item.

Council Member Shelton asked if this Board is similar in some ways to the Planning Commission where members of the Board are appointed by the City Council? City Attorney Loose said yes, in method of appointment. In this case, they are asking that the whole group be appointed at once. This board needs to have expertise. They are not an administrative board. They are making decisions based on their technical expertise. They can appoint members individually if needed. If they know of someone qualified in building codes, they can ask people to submit an application. There are various ways appointments can be handled. It does not need to be assigned based on City Council districts because it is a technical board. They have to be able to defend the decision of the board, as well as the board member's expertise. Council Member Rogers concurred that it is very technical, and a keen knowledge of the building code is needed.

Council Member Marlor made a motion to approve Resolution R2017-48. Council Member Rogers seconded the motion. Roll call vote. The vote was 4-0 in favor.

G. Action Item: Resolution R2017-51, authorizing the Mayor to sign the “Interlocal Agreement for Animal Control Services” between Riverton City and the City of South Jordan. *(By City Attorney, Ryan Loose)*

City Attorney Loose reviewed the background information on this item.

Council Member Shelton noted that in paragraph 10, it indicates that they will go to court if there is a dispute. Why would they not do arbitration? City Attorney Loose said they can agree to arbitrate or mitigate but he does not like mandatory arbitration. Council Member Rogers concurred and said arbitration can be just as costly and lengthy. City Attorney Loose said most interlocal agreements have the same litigation clause. Litigation in this case would be unlikely.

It was noted that Riverton City has agreed to the costs. It is close to the city’s standard cost. They added a small administration fee. This will help Riverton while they go from contracting with the County to building their own program. CM Whatcott said he anticipates they will be helping Riverton City for 2 years.

Council Member Rogers made a motion to approve Resolution R2017-51. Council Member Zander seconded the motion. Roll call vote. The vote was 4-0 in favor.

H. Public Hearing: Resolution R2017-10, approving the 2016 Consolidated Annual Performance and Evaluation Report (CAPER) regarding CDBG Funds and authorizing submittal to the US Department of Housing and Urban Development. *(By Planner II, David Mann)*

Planner Mann reviewed the background information on this item.

Mayor Alvord opened the public hearing.

Kat Kahn, Development Coordinator for the Road Home Shelter, 210 S. Rio Grande, said housing is the solution to homelessness. They put 11,000 people through their shelter and housing program last year. She said they are grateful that the city is looking at affordable housing options. They have had a 500 percent increase in the last 10 years for families needing housing.

Mayor Alvord closed the public hearing.

Council Member Shelton asked what is the improvement project on Charlotte Drive and how did they qualify for CDBG? Development Services Director Klavano said it is to provide curb, gutter, and ADA ramps on the street. The neighborhood met the qualifications.

Council Member Shelton said on the consolidated plan goal, the senior services were cancelled on the summary table. What are they doing to address the senior services? Mr. Mann said some

of the senior services were addressed in previous years. Because the use of the building might change, there are HUD requirements that might cause issues down the road and the city could have to repay some of the funds if the nature of the building changes.

Council Member Marlor asked how long are they able to forward funds for future programs before they are in jeopardy of losing funds? Mr. Mann said there is a certain percentage they can carry over. They are close to that limit. Some of the carry forward funding will be used in the upcoming year on projects such as Charlotte Way. Council Member Marlor asked that staff review the funding and re-allocate it if necessary so they don't lose any money.

Council Member Shelton made a motion to approve Resolution R2017-10. Council Member Marlor seconded the motion. Roll call vote. The vote was unanimous in favor.

- I. **Public Hearing:** Ordinance 2017-24, Amending Sections 12.24.030 and 12.24.050 of the South Jordan City Municipal Code pertaining to Tree Stewardship Standards. *(By Public Works Director, Jason Rasmussen)*

Public Works Director Rasmussen reviewed the background information on this item. He reviewed a presentation on tree stewardship standards (Attachment B). He noted that staff makes an effort to mitigate risks and repair sidewalks before removing a tree.

Mayor Alvord opened the public hearing.

Rulon Dutson, 11248 Kestral Rise Rd., expressed appreciation for the work staff has done to accommodate many items that were brought up in the June work session on this item. He asked if a tree does not meet the sidewalk clearance or road clearance, does that qualify for a hazardous tree? He said they appreciate the appeal process, but their HOA has responsibility of over 25,000 trees at this time. He feels the Ordinance compromises the character or look of the community. They are not opposing the ADA requirements of 7 ft. clearance. He said they are opposed to how the Ordinance is executed. He showed some pictures of trees that had been pruned by the City. They feel some of the pruning was improper and excessive. He said having to prune trees that high changes the character of the street. They understand the need to prune trees for safety reasons. He also noted that his understanding is that when the City contacted the HOA about pruning, they were told that the HOA did not want the pruning done. He said sometimes trees will grow higher than the stop sign, but they need to be patient and let it finish growing. They could put in other traffic measures to alert the driver to the stop sign in the interim. They have evaluated trees, some were too close to the stop sign and needed to be removed. He said most municipalities have the same standards for trees as South Jordan, but it is applied differently. He said they should engage the urban forester. He referred them to Springville City's extensive policy regarding trees. He said he would have hoped there was a sense of obligation by the staff to bring this issue to them for discussion. He was surprised they had not had a chance to discuss it before tonight. As developers, they too can pay more attention to agenda items.

Mayor Alvord closed the public hearing.

Mayor Alvord asked if further conversations with Daybreak is needed? Mr. Rasmussen said the tree height is what it is. Mt. Dutson does not like the way the program is administered. He said the manager of the HOA was informed that the pruning would be done. Staff did not receive any information requesting that they not prune in Daybreak. There were some issues with trees blocking stop signs in Daybreak. Daybreak paid for the city to hire a contractor to prune the trees. Earlier this year, there was no indication that they wanted to discuss the situation. Staff would have been happy to discuss the issue with Daybreak representatives. Many of the trees were pruned great. Some could have been done better. This is the first he has heard directly of Daybreak's displeasure or concern over pruning.

Council Member Rogers said he feels this merits a study session discussion. He has concerns about the issues shown tonight. He has concerns with the general philosophy of the Ordinance. He said he would like the city to have the burden of proof on why the tree needs to be taken down. They should also require the consent of the homeowner. He said he would also like to talk to the arborist. He wants to discuss their philosophy, trees, stewardship, etc. He reiterated that they should have the consent of the homeowners, not just notice. He said he would like a study session to discuss the issues brought up by Rulon Dutson, and a separate study session to discuss this Ordinance with the arborist.

Mr. Rasmussen said they made changes toward what Council Member Rogers is suggesting. Council Member Rogers concurred but said he wants more. Mr. Rasmussen said they notify the homeowners of the pruning so they can be present. They are also emailed through the HOA so the residents know how to contact them. They have provided maps so people knew where and when they would be pruning. They notified both the HOA and the residents.

Council Member Marlor said he is okay discussing the issue in a study session. From a safety perspective, if the issue is that the tree is blocking a stop sign, there should not be a presumption that we need to leave the tree and consult the homeowner. They can let the owner know that the issue is one of safety and has to be resolved immediately. The overall goal is to have a beautiful community. There are safety issues to consider. There are hazards caused by trees in parkstrips. He asked when a homeowner is notified that there is a problem with the tree in their parkstrip, does the homeowner have to remove the tree at their cost? Mr. Rasmussen said they may require the homeowner to bear the cost. Typically, the city removes and replaces the tree with no charge to the homeowner. Council Member Marlor indicated that is generous of the city to provide a replacement tree.

Council Member Rogers made a motion to table Ordinance 2017-24 for further discussion. Council Member Zander seconded the motion. The vote was 4-0 in favor.

Mayor Alvord noted that one of the pictures with the tree pruned high was done by the resident so he could have a view out of the windows of his home.

Council Member Zander said she lives in Daybreak and her house has a corner stop sign. She said the city has pruned the tree twice, and it was always done in an appropriate way. She was not notified of the pruning. Mr. Rasmussen said they don't always notify residents of pruning for a stop sign.

J. Public Hearing: Ordinance 2017-26, Partial Right-of-Way vacation of the easterly 21 Feet of 5395 West Street between Daybreak Parkway and 11800 South Street. (By City Planner, Greg Schindler)

Development Services Director Klavano reviewed the background information on this item.

Mayor Alvord opened the public hearing.

Scott Kaufmann, Daybreak Communities, 11248 Kestral Rise Rd., said this was envisioned years ago. They have worked with Herriman to make sure the alignment works. It is a neutral swap.

Mayor Alvord closed the public hearing.

Council Member Marlor asked what are the plans for the remainder of the triangle piece of property? Mr. Kaufmann said there are no plans at this time. There is the potential to the south where there is an abandoned road, and they could expand that site if they get a use for the property.

Council Member Zander asked about the parcel to the east of the new road? Mr. Kaufmann said there are 2 parcels. They have had discussions with a vehicle service center and bank. They do not have clear plans for the parcel to the west.

Council Member Zander made a motion to approve Ordinance 2017-26. Council Member Shelton seconded the motion. Roll call vote. The vote was 4-0 in favor.

Council Member Marlor made a motion to take a break. Council Member Zander seconded the motion. The vote was 4-0 in favor.

K. Discussion Item: Lobbyist Agreement for Transportation. (By Mayor Alvord)

Mayor Alvord asked what tactics and what methods are they comfortable directing lobbyists to take? He is in favor of hiring a transportation lobbyist. He wants to get big projects. He said he would be more comfortable having an understanding that they want to use above board techniques with their lobbyist.

Council Member Shelton said he has been involved with the city's lobbying. He feels it is vital for the city to be at the table, and they have not been. He completely agrees that what they do and how they do it is important. He said the process of legislating is messy and it is a lot of negotiation. They need to appreciate that the process is very dynamic and not clean. It is competitive with other municipalities for transportation money. South Jordan can't afford to lose out anymore. He agreed with Mayor Alvord that how the process is done is very important.

Mayor Alvord said he does not feel they have lost out on large amounts of money, but possibly smaller amounts. He said they have fought to have the process above board, and he does not

want to be hypocritical. He said he would like to give Senator Harper a chance to keep his promise that the process will be transparent.

Council Member Marlor concurred with Council Member Shelton. He said they learned through the issue with the quarter of the quarter that they need to make sure that the city is competitive. If that is how the game is played, they have to have an advocate for their team. He said they do not want to be underhanded in any way. They did discover an area that they need to be competitive.

Council Member Zander said she is comfortable with the direction that they are going. She is comfortable with the increased budget. They need to make sure they get a return on their investment. She has confidence in City Attorney Loose and who he has hired.

Council Member Rogers concurred and said they are all in agreement with Mayor Alvord that they want to do this in an above board, transparent, and moral way. They have to be at the table and be competitive. It is well worth the expense.

Mayor Alvord said David Stewart is a patient of his. He will talk to him about the issue further.

Council Member Shelton said they are unanimous in their support of Mayor Alvord and appreciative of his efforts in the quarter of a quarter issue.

L. Reports and Comments:

CM Whatcott said he, Mr. Naidu, Council Member Marlor, and Laura Lewis are going to San Francisco tomorrow to do a bond presentation. They are prepared to talk about the water department. They do not feel they will have a problem getting a great rate. They will report back to the City Council.

CM Whatcott indicated that Stephen Schaefermeyer is the new Planning Director.

Council Member Rogers said the historical committee would still like to have discussions with him on how to proceed with the Fullmer monument. If the City Council adopts the policy that has been discussed, it will not make the Fullmer monument eligible until 2020, based on when the death of the last brother was. He said there is still work that the committee could do to prepare for that presentation. There has been some discussion if the City Council would be amenable to changing the street name. They need further discussion if the City Council is okay to do that.

Council Member Shelton reported on some Utah League of Cities and Towns meetings that he attended. He noted a meeting where he heard Captain Lovell speak. He also attended a meeting where they discussed future legislation. He said the Legislature is wanting to take away some land use authority around transportation corridors from the city. City Attorney Loose said they are working to correct some inaccuracies that are out there. One Legislator indicated that South Jordan has been downgrading their zoning by transportation corridors, which is not true. There is talk that they want the cities to do more mixed use development, or lose B and C road funds, and it would be up to a land use authority. There has been no bill circulated at this time. He said they

will set up a meeting with the Legislators in November. Council Member Rogers asked that the City Council elect be invited to that meeting as they will have to get up to speed quickly.

Council Member Marlor said he also attended some of the ULCT meetings. He also said he met with County Council Chair Steve DeBry today and discussed the eventual disposition of Marv Jensen, which is somewhere in the 2-3 year range. He said he advocated to collaborate on developments in the future. He said they could put him on a future City Council agenda to talk about further opportunities. They need to be involved and make sure South Jordan is getting allocated funding from the County.

Council Member Zander said in January 2016, there were residents present that were concerned about the Daybreak parcel on Harvest Sun. She asked for a report to the City Council about that outcome. It was noted that the issue would be placed on a future work session agenda.

Council Member Zander said Herriman City Council met on September 12th and talked about a master plan. They approved a new master plan with extreme density west of the high school. There were a couple of City Council members who claimed that they had not seen the plan until that night. She said the traffic will go through South Jordan. She asked that staff find out what was approved and be proactive. They need to be aware and plan for what is coming.

CM Whatcott indicated that Mountain View Corridor has become a high priority project. There are discussions about making it a full freeway in the next 7 years.

Council Member Marlor made a motion to go into a closed meeting to discuss the purchase, exchange, or lease of real property. Council Member Rogers seconded the motion. Roll call vote. The vote was unanimous in favor.

M. Executive Meeting: Closed meeting to discuss the purchase, exchange, or lease of real property

Council Member Marlor made a motion to come out of executive meeting. Council Member Zander seconded the motion. The vote was unanimous in favor.

ADJOURNMENT

Council Member Rogers made a motion to adjourn. Council Member Shelton seconded the motion. The vote was unanimous in favor.

The September 19, 2017 City Council meeting adjourned at 10:03 p.m.

This is a true and correct copy of the September 19, 2017 Council Meeting Minutes, which were approved on October 3, 2017.

Anna M. West
South Jordan City Recorder